

## ŌRĀKEI LOCAL BOARD SUBMISSION TO GOVERNING BODY – PRE APPLICATION DOCUMENTATION – 28 MARCH 2019

Thank you to the Governing Body for the opportunity to present our case for the consistent and transparent disclosure of key information held between Council planners and applicants.

1. The Auckland region and also notably the Ōrākei ward has been undergoing significant development and infrastructure changes. These changes impact our macroeconomic framework and suburban infrastructure and landscape.
2. From a governance and oversight perspective it is important that any elected representative (local board or Governing Body) can perform their duties and effectively and efficiently assessing all information on developments proposed by applicants.
3. This includes - when entering the consent phase the Board is abreast of key information to support its view in a balanced and transparent manner
4. The request for pre-application minutes and documentation is not extraordinary. The information may or may not be confidential – but if Council planners have had these preliminary discussions with the applicant then the local board should not be removed from access to minutes from this exchange.
5. The principal request for information originated in July 2018– nearly 9 months ago. We have pivoted from one Council planning contact to the next to achieve an outcome.
6. This is not the first request for such information. Many rate payers, resident and business associations and other interested parties raise their awareness of developments and become more familiar with the Unitary plan and seek answers to impacts on their neighbourhoods even before formal applications are filed, and of course once they are filed. Many developers also hold pre-lodgment engagement meetings with some of these residents and groups.
7. As elected members we are the representatives of these stakeholders. Having access to pre-lodgment exchanges keeps us abreast of potential development and abreast of how Council may interpret the unitary plan.
8. We seek consistency and transparency with pre application documentation and conversations - if one AEE report is inclusive of this information – this should apply to all other AEE reports.
9. We thank the Acting Director of Regulatory Services for response to our formal request - received in January 2019.
10. The Director states: ....” Under the need to know principle elected members should have access to information held by Council where it is reasonably necessary to enable that member to properly perform their particular statutory duties.....”
11. The Director also confirms that pre-lodgment exchanges are not part of formal regulatory decision-making function for Council’s delegated planners under RMA process. Accordingly, it is inappropriate to have the situation that has developed whereby any elected representative – GB or local board - seeking information has their request managed by a delegated planning officer exercising a “need to know” principle. That is wrong.
12. The correct pathway is to enable internal access to that information and emphasise the elected representative’s duty of care and confidentiality and general code of conduct requirements regarding access to that pre-lodgment information.
13. Our statutory duties cover compliance and alignment to the obligations and parameters of the Unitary Plan.

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14. It is noted in one paragraph of the Executive's letter that an applicant may have an expectation that the information would not be made public. The Local Board members are not 'the public' but are elected members of the Auckland Council.
15. This a formal request to you all directly as Mayor of Auckland and the Governing Body to exercise your authority and break down the barriers and ensure internal transparency – to action the local board request - namely:
  - Elected reps (GB and Local Board) may, on request, have access to any pre-lodgment minutes of exchanges between any consent applicants and council planners – which includes where applicants have requested confidentiality
  - Elected reps will receive any such pre lodgment information regardless of whether an applicant has sought confidentiality or not, on the basis they comply with elected rep codes of conduct including the duty to exercise judgment and not to disclose information considered sensitive or confidential

We thank you for your time and considered thought and pragmatism to our request this morning.